

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DOUGLAS BECKLEY,)	Case No.: 1:06 CV 1392
)	
Petitioner)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
GOVERNOR BOB TAFT, <i>et al.</i> ,)	
)	
Respondents)	<u>ORDER</u>

On June 6, 2006, Petitioner Douglas Beckley (“Petitioner” or “Beckley”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his 2002 conviction for failure to register as a sexual offender in Ohio. The case was referred to Magistrate Judge Patricia A. Hemann for preparation of a report and recommendation on Respondent Governor Bob Taft’s Motion to Dismiss Party, or in the Alternative, Motion to Dismiss for Lack of Subject Matter Jurisdiction (ECF No. 5). The Magistrate Judge issued her Report and Recommendation (ECF No. 7) on August 7, 2006, recommending that the Motion to Dismiss be granted and the Petition be denied.

In the Magistrate Judge’s Report and Recommendation, she concluded that the court was without jurisdiction to hear Beckley’s Petition because he is not in custody pursuant to the judgment of a state court. The Magistrate Judge found that at the time Beckley filed his Petition, he was neither imprisoned or subject to parole requirements.

As of the date of this Order, Plaintiff has not filed objections to the Report and Recommendation. By failing to do so, he has waived the right to appeal the Magistrate Judge's recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985). The court notes that Beckley also failed to file any opposition to Respondent's Motion to Dismiss.

Furthermore, the court finds, after careful review of the Magistrate Judge's Report and Recommendation and all other relevant documents, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation (ECF No. 7.) Beckley's Petition for Habeas Corpus is hereby denied. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

August 22, 2006